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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,069	06/29/2000	Jie Cheng	200-0382	7285
28395	7590	12/02/2003	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,069

Applicant(s)

CHENG ET AL.

Examiner

Michael J Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27,32 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "resale channel" is not described in the specification in such a way as to enable one of ordinary skill in the art to make and/or use the invention. While it is mentioned in the specification, it is not described and therefore there is no way to understand what is meant by the term.

Note: For examination purposes it will be assumed that the "resale channel" is who is selling the vehicle.

Claims 33-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The formulae in claims 33,35 and 36 are incomplete. While they list variables to be used, they do not explain how to use the variables, as

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there is no mention in the specification as to how to combine the variables to achieve the stated results, there is no way to use these claims.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 23-41, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over N.A.D.A. web page from 11/1999. (NADA)

NADA discloses a method for determining a vehicle's price which includes checking historical values for cars (paragraph 2 on page 1) and using this to generate values for autos. While they don't specifically mention adjusting for error, this would be inherent. It is further inherent in the NADA that they user compares the values in the book to a similar car. There are factors listed that increase and decrease the value of the auto, including; high mileage, low mileage, automatic or standard transmission, air conditioning, sound system, power accessories, region, sun/moon roof, spoiler, alloy wheels et al. NADA is generally regarded as one of the best sources for automobile prices because they have a low error and as such are used in many automobile dealerships as a guide to the value of used cars for trade-ins. They further compare comparable vehicles for their prices and adjust the prices for other vehicles, they have a price for average and then list prices for clean, rough and further list a wholesale price. These values would be distance weighted from the average price. The NADA book

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further is region-specific and thus, there would be the ability to determine distance between autos.


Response to Arguments

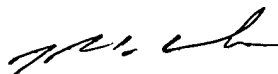
As to arguments in relation to the term "resale channel" in claims 27,32 and 34, while the term is in the specification, it is not defined, merely stated. As to arguments involving the formulae in claims 33,35 and 36, they are not complete. Further, the applicant remarks that "(please note the variables v1 and v2 are used in a different context than claim 33)". This would appear to reinforce the examiner's arguments that the formulae are unclear as there are acknowledged by applicant different uses for the same variables. This, coupled with vague references to using variables in a formula without explaining the exact formula, would make the claims unclear and indefinite. Further, applicant lists two Errors, p and k, without explaining how to compute the error. Thus, there is no enablement. As to applicant's arguments that the NADA book does not disclose certain criteria, such as number "K" of vehicles, the examiner has asserted and still asserts that these criteria are inherent. The number of cars in the database would be "K", whether specifically labeled or not. As previously recited by the examiner, the NADA book is issued in various regions of the country and is used exclusively in those areas. A book from the West Coast would not be used in the Northeast.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-306-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

MF 
11/30/03


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600